

## Deadline to Update New EU Standard Contractual Clauses Is Approaching

September 8, 2022

---

*Businesses should update their existing contractual agreements to the new SCCs by 27 December 2022. It would be sensible to have a data privacy lawyer review any cross-border personal data transfers.*

### The New Standard Contractual Clauses

As you may recall from our previous advisory, “The European Commission Implements New Standard Contractual Clauses” (which you can read [here](#)), existing data sharing contracts that include the old standard contractual clauses (“SCCs”) will only remain valid until 27 December 2022. By this date, these contracts must be updated to incorporate the new SCCs that were adopted on 4 June 2021 by the European Commission.

The SCCs can be used as an appropriate safeguard when transferring personal data of UK or EU data subjects to third countries, if a Data Transfer Impact Assessment (“DTIA”) has been carried out. A DTIA involves conducting an analysis to determine whether the privacy protections afforded by the proposed third country to which the personal data is being transferred meets EU/UK standards. The DTIA must be carried out before the transfer of personal data occurs.

### New UK Requirements for International Data Transfer Requirements: IDTA and the Addendum

Following Brexit, the new EU SCCs are not valid as a transfer mechanism under the UK General Data Protection Regulation (“GDPR”).

On 2 February 2022, the UK Information Commissioner’s Office adopted: (i) the International Data Transfer Addendum to the European Commission’s Standard Contractual Clauses for International Data Transfers (the “UK Addendum”), which is to be appended to the new EU SCCs to satisfy legal requirements for making personal data transfers from the UK to third countries; and (ii) the International Data Transfer Agreement (“IDTA”), which is a stand-alone agreement that can be used when transfers of personal data are occurring from the UK to third countries and the SCCs are *not* being used.

From 21 September 2022, all new agreements that govern the transfer of personal data subject to an appropriate safeguard must use either the UK Addendum alongside the SCCs, or the IDTA. All existing agreements relating to UK personal data transfers will remain valid until 21 March 2024, at which point the existing agreements including the old EU SCCs must be replaced with the IDTA or the Addendum.

Please also note, the requirement to carry out a DTIA is also applicable under UK law.

### Action Points

1. **Deadline – 21 September 2022** – Ensure all new data transfer agreements append the UK Addendum or IDTA.
  2. **Deadline – 27 December 2022** – Update all contracts appending old SCCs.
  3. **Deadline – 21 March 2024** – Ensure all existing agreements append the UK Addendum or IDTA.
  4. **Deadlines as above** – Ensure all actions above are accompanied by an up-to-date DTIA.
-

## We Can Help You

The deadline to update the SCCs is fast approaching; we can also take this opportunity to help ensure your contracts comply with UK requirements and include the UK Addendum or IDTA. We can also assist with carrying out DTIAs and ensuring your data transfers are GDPR compliant.

If you think you may need to review your data transfer practices, please let us know and we would be happy to assist you with this.

---

## CONTACTS

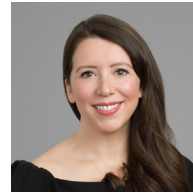
For more information on your data privacy concerns, contact your Katten lawyer or any of the following:



**Christopher Hitchins**  
+44 (0) 20 7776 7663  
christopher.hitchins@katten.co.uk



**Trisha Sircar**  
+1.212.940.8532  
trisha.sircar@katten.com



**Sarah Simpson**  
+44 (0) 20 7770 5238  
sarah.simpson@katten.co.uk



**Tegan Miller-McCormack**  
+44 (0) 20 7770 5247  
tegan.miller-mccormack@katten.co.uk



**Jose Basabe**  
+1.212.940.6338  
jose.basabe@katten.com

*Nicole Akinyemi, a paralegal in the Financial Markets and Funds practice, contributed to this advisory.*

# Katten

katten.com

Paternoster House, 65 St Paul's Churchyard • London EC4M 8AB  
+44 (0) 20 7776 7620 tel • +44 (0) 20 7776 7621 fax

Katten Muchin Rosenman UK LLP is a Limited Liability Partnership of Solicitors and Registered Foreign Lawyers registered in England & Wales, regulated by the Law Society.

A list of the members of Katten Muchin Rosenman UK LLP is available for inspection at the registered office. We use the word "partner" to refer to a member of the LLP. Attorney advertising. Published as a source of information only. The material contained herein is not to be construed as legal advice or opinion.

Katten Muchin Rosenman UK LLP of England & Wales is associated with Katten Muchin Rosenman LLP, a US Limited Liability Partnership with offices in:

CENTURY CITY | CHARLOTTE | CHICAGO | DALLAS | LOS ANGELES | NEW YORK | ORANGE COUNTY | SHANGHAI | WASHINGTON, DC

08/31/22